

### REMARKS

The above amendments to the above-captioned application along with the following remarks are being submitted as a full and complete response to the Office Action dated October 8, 2008. In view of the above amendments and the following remarks, the Examiner is respectfully requested to give due reconsideration to this application, to indicate the allowability of the claims, and to pass this case to issue.

#### Status of the Claims

As outlined above, claims 1-6, 15, 16, and 19-26 stand for consideration in this application, wherein claims 1, 15, 16, 19, and 20 are being amended.

All amendments to the application are fully supported therein, including page 20, lines 21-26 of the specification. Applicants hereby submit that no new matter is being introduced into the application through the submission of this response.

#### 35 U.S.C. §112, Second Paragraph Rejections

Claims 19-20 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

As set forth above, claims 19-20 are being amended so as to meet the requirements under 35 U.S.C. §112, second paragraph. Accordingly, withdrawal of the rejections of claims 19-20 is respectfully requested.

#### The First 35 U.S.C. §103(a) Rejection

Claims 1-6, 15, 16, 19-21, and 24 were rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Lee et al. (U.S. Pub. No. 2004/0004921 A1) in view of Kobayashi et al. (U.S. Pat. No. 5,828,639). Applicants respectfully traverse this rejection for the reasons set forth below.

#### Claim 1

As recited in claim 1, a user data area and a control data area are formed on a disk-shaped information recording medium to which information is recorded or from which recorded information is produced by irradiation with an energy beam moving on/along a track relative to said medium. Data concerning a maximum linear velocity at a first location

(V1max) and a minimum linear velocity at the first location (V1min) and a maximum linear velocity at a second location (V2max) and a minimum linear velocity at the second location (V2min) are recorded at a predetermined area of the disk-shaped information recording medium. The first location is in an innermost area of the user data area and the second location is in an outermost area of the user data area. The maximum linear velocity at a first location (V1max), the minimum linear velocity at the first location (V1min), the maximum linear velocity at a second location (V2max), and the minimum linear velocity at the second location (V2min) are defined according to the recording medium, because V1max, V1min, V2max, and V2min depends on the characteristic of the recording medium. (See page 9, lines 7-9 and page 20, lines 21-26 of the specification.)

In contrast, although Lee shows that “the maximum writing speed” and “the minimum writing speed” are recorded, “the maximum writing speed” in Lee means a so-called “N-tuple speed” of the recording, such as 2×speed, 4×speed, and 8×speed, and “the minimum writing speed” in Lee means a 1-tuple speed of the recording. (See paragraph [0008]). Clearly, “the maximum writing speed” and “the minimum writing speed” of Lee are not a maximum linear velocity and a minimum linear velocity defined according to the recording medium, respectively. Thus, a maximum linear velocity and a minimum linear velocity at a first location in an innermost area of the user data area and a maximum linear velocity and a minimum linear velocity at a second location in an outermost area of the user data area recited in claim 1 are distinguishable from “the maximum writing speed” and “the minimum writing speed” of Lee, respectively.

The secondary reference of Kobayashi merely shows the maximum linear velocity and the minimum linear velocity in each of the zones (Fig. 19). In Kobayashi, each zone into which a recording region is divided corresponds to each of the data units comprising recording units or playback units (Abstract, col. 2, lines 33-39). Kobayashi merely shows a table stipulating the relationship zones and the band to which a zone corresponds is stored at a ROM. (See col. 9, lines 49-55). Furthermore, a table shown in Fig. 19 does not show “a maximum linear velocity” and “a minimum linear velocity” at the same location, namely, a first location or a second location as recited in claim 1, along a radial direction of a recording medium. Furthermore, Kobayashi merely shows that a track number of a track in each zone is recorded on the disk, and the data including the maximum speed and the minimum speed of the track is read from the table stored in a ROM referring to the track number. Kobayashi

does not show or suggest recording the data including the maximum speed and the minimum speed of the track are recorded on the disk.

As such, the secondary reference of Kobayashi fails to provide any disclosure, teaching or suggestion that makes up for the deficiencies in Lee. Therefore, at the time the invention was made, one of ordinary skill in the art could not and would not achieve all the features as recited in claim 1 by combining Kobayashi with Lee. Accordingly, claim 1 is not obvious in view of all the prior art cited.

#### Claims 15, 16

Claims 15 and 16 have substantially the same features as those of claim 1. As such, the arguments set forth above are equally applicable here. Claim 1 being allowable, claims 15 and 16 must also be allowable.

#### Claims 2-6, 19-21, 24

As to dependent claims 2-6, 19-21, and 24, the arguments set forth above with respect to independent claims 1, 15, and 16 are equally applicable here. The corresponding base claim being allowable, claims 2-6, 19-21, and 24 must also be allowable.

#### The Second 35 U.S.C. §103(a) Rejection

Claims 22 and 25 were rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Lee in view of Kobayashi, and further in view of Chen (U.S. Pub. No. 2003/0123352 A1). Applicants respectfully traverse this rejection for the reasons set forth below.

As set forth above, Lee in view of Kobayashi fails to teach all the elements recited in claims 15 and 16, from which claims 22 and 25 depend, respectively. The tertiary reference of Chen fails to provide any disclosure, teaching or suggestion that makes up for the deficiencies in Lee in view of Kobayashi.

Therefore, at the time the invention was made, one of ordinary skill in the art could not and would not achieve all the features as recited in claims 15 and 16, from which claims 22 and 25 depend, respectively. Accordingly, claims 22 and 25 are not obvious in view of all the prior art cited.

### The Third 35 U.S.C. §103(a) Rejection

Claims 23 and 26 were rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Lee in view of Kobayashi, and further in view of Mizuno et al. (U.S. Pat. No. 6,996,052 B1). Applicants respectfully traverse this rejection for the reasons set forth below.

As set forth above, Lee in view of Kobayashi fails to teach all the elements recited in claims 15 and 16, from which claims 23 and 26 depend, respectively. The tertiary reference of Mizuno fails to provide any disclosure, teaching or suggestion that makes up for the deficiencies in Lee in view of Kobayashi.

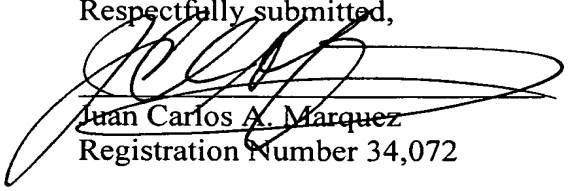
Therefore, at the time the invention was made, one of ordinary skill in the art could not and would not achieve all the features as recited in claims 15 and 16, from which claims 23 and 26 depend, respectively. Accordingly, claims 23 and 26 are not obvious in view of all the prior art cited.

### Conclusion

In light of the above-outlined Amendments and Remarks, Applicants respectfully request early and favorable action with regard to the present application, and a Notice of Allowance for all pending claims is earnestly solicited.

Favorable reconsideration of this application as amended is respectfully solicited. Should there be any outstanding issues requiring discussion that would further the prosecution and allowance of the above-captioned application, the Examiner is invited to contact the Applicants' undersigned representative at the address and phone number indicated below.

Respectfully submitted,

  
Juan Carlos A. Marquez  
Registration Number 34,072

**REED SMITH LLP**  
3110 Fairview Park Drive  
Suite 1400  
Falls Church, Virginia 22042  
(703) 641-4200

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JCM/YOM